



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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September 11, 1995

Certified Return Receipt
P 074 978 955

Mark Johnson
Mark's Utah Septarian Nodules
3140 North 200 West
Delta, Utah 84624

Re: Reclamation of Disturbance, State Septarian Leases, Tetla Mine, S/025/006, Kane County, Utah

Dear Mr. Johnson:

On August 15, 1995, we met with you and your father to discuss the reclamation of mining related disturbances associated with your State septarian nodule leases in Kane County, Utah. We were accompanied by personnel from the state Trust Lands Administration and the BLM. We walked the current extent of your disturbed areas with a hip chain and discussed your plans for continued use of the areas. We all agreed that significant reclamation could be performed to bring your total surface disturbance below five acres.

This letter is formal notification that the Division will require that this reclamation be accomplished within the next thirty (30) days, or no later than October 16, 1995. Attached to this letter is a copy of our site inspection memo, delineating measured reclaimed and unreclaimed acreage. The total unreclaimed disturbance at this time is approximately 9.21 acres. This disturbance far exceeds the five-acre threshold for a Small Mining permit. If the disturbed acreage is not reclaimed to five or less acres within the specified timeframe, then the Division will have no choice, but to issue a Notice of Agency Action. This notice would require you to appear before the Board of Oil, Gas and Mining and explain why you should not be required to immediately cease all further mining activities, file a Large Mining Operation permit application and post appropriate reclamation surety with this Division. We certainly would rather work with you than pursue enforcement action to resolve this matter. The following is a breakdown of the disturbed acreage measured during our inspection. Please refer to the xeroxed photos attached to the inspection memo for an explanation of the areas in question.

Summary of Acreages by Area

<u>Area</u>		<u>Acreage</u>
#1	Reclaimed	1.18
#1	Unreclaimed	1.5



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#2	Unreclaimed	4.47
#3	Unreclaimed - MIKE CARUSO'S MINE	1.2
#3	Unreclaimed - OLD DISTURBANCE	2.07
#4	Unreclaimed - DOGLEG WITH PIT	.79
#5	Unreclaimed - ACTIVE MINE AREA (M. JOHNSON)	.18
<u>TOTAL ACREAGE</u>		10.39 ACRES
<u>TOTAL RECLAIMED</u>		1.18 ACRES
<u>TOTAL UNRECLAIMED</u>		9.21 ACRES

Based on the 9.21 acres of unreclaimed mine property, the Division will require you to reclaim, within thirty days, enough acreage to bring this total disturbance to five acres or less. This letter and the site inspection memo delineate the disturbed acreages and a timeframe to complete the reclamation, in order to continue operating under a Small Mine permit. During our inspection, we noted that Mike Caruso is apparently mining on a portion of your state lease. Mike informed us during a conversation at his home, following our inspection, that his father (Joe Caruso) had made some previous arrangement/agreement with you granting him permission to mine a portion of this lease. The Division will hold you and/or Ms. Berry (as lease holder/operator) accountable for reclamation of the disturbance created by Mr. Caruso. Mr. Caruso also informed us that you and he had discussed the possibility of his performing some of the required reclamation work on the other disturbed areas for you. It is our opinion that you could reclaim all of Area #1, 2.0 acres of area #2, the old disturbance associated with area #3, and all of area #4 which would bring your unreclaimed total down to 2.85 acres.

If you cannot complete the required reclamation within the specified timeframe, please notify us as soon as possible. We would be happy to prepare a revegetation seedmix recommendation for you upon request. Thank you in advance for your cooperation in resolving this outstanding permitting concern. If you have any questions or concerns regarding this letter, please call me or Tom Munson of my staff.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
Attachments - Site inspection memo 8/15/95
cc: Olga Berry (co-lessee)
Skip Shipper, BLM - Kanab
Will Stokes, SITLA
Lowell Braxton, DOGM
S025006.let